

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held March 19, 2013

The business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:32 p.m. by Chairman William B. Hawk, on the above date, in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Hawk were: David B. Blain, William C. Seeds, Sr., William L. Hornung, and Gary A. Crissman.

Also in attendance were George Wolfe, Township Manager; Steve Stine, Township Solicitor; Jeff Staub, Dauphin Engineering; and Ted Robertson and Watson Fisher, SWAN.

Pledge of Allegiance

Mr. Blain led the recitation of the Pledge of Allegiance.

Approval of Minutes

Mr. Crissman made a motion to approve the minutes from the December 4, 2012 workshop meeting and the January 22, 2013 business meeting. Mr. Blain seconded the motion, and a unanimous vote followed.

Public Comment

No comments were provided.

Chairman and Board Member's Comments

No comments were provided.

Manager's Report

Mr. Wolfe noted that upcoming Easter events for the Friendship Center will include the Easter Egg Extravaganza to be held in Brightbill Park on Saturday March 23, 2013 beginning at

1 p.m. He noted that the event is geared for children ages two to ten and children will hunt for candy filled prizes according to their age group.

Mr. Wolfe noted that the Compost Facility will open on Tuesday, April 2 and continue to operate on Tuesdays, Thursday and Saturdays until mid December. He noted that Waste Managements' bi-weekly curb side collection of leaf waste will start the week of April 8th and continue through to December. He noted that the schedule for this collection can be found on the web page or in the current Township Newsletter edition.

NEW BUSINESS

Resolution 13-11; amending the Township's Procurement Procedure to comply with PA Act 3 of 2008 and to include the P-Card purchases

Mr. Wolfe explained that the Board previously approved an amendment to the Procurement Procedures to comply with Pennsylvania Act 27 of 2012, the Public Employees Employment Verification Act. He noted in updating the document he realized that it was missing the necessary language for the Right To Know Law, Act 3 of 2008. He noted that public contractors need to know that financial information, bidding documents and contract documents for the successful bidder are public information and he wanted to state that in the Township's Procurement Procedures.

Mr. Wolfe also noted that the Procurement Procedures did not specifically provide for the procurement card program that the Township has in place and it is appropriate that the P-Card purchases be identified as an appropriate use of purchasing power for the Township. He noted that he has amended the policy to include this by this resolution. He noted that those are the only additional changes he has made to the policy at this time. He requested Board approval for the resolution at this time.

Mr. Crissman made a motion to approve Resolution 13-11, amending the Township's Procurement Procedures to comply with PA Act 3 of 2008 and to include the P-Card purchases. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Letter of Agreement between the Township and Heroes Grove

Mr. Hawk noted that Representative Ron Marsico is spearheading the development of an area in Brightbill Park adjacent to the Friendship Center called Heroes Grove. He noted that the Township is cooperating with the initiative.

Mr. Wolfe explained that the Letter of Agreement contains 11 paragraphs that the Board previously reviewed during a workshop session. He noted that the Board requested one amendment to the Letter which has been made. He noted that this agreement provides the framework by which the Heroes Grove Memorial and Amphitheatre could be developed in Brightbill Park in Lower Paxton Township by the Heroes Grove Committee.

Mr. Wolfe noted that the Heroes Grove Committee has been working for several years to design and develop the facility. He noted that the Committee is raising funds to pay for construction of the Amphitheatre and Memorial; however, before there is any movement of earth and construction of facilities, it is staff's opinion and the Committee agrees that there should be a general understanding of what will occur in the Township's park. He noted that this letter provides that framework.

Mr. Crissman suggested that Item Five should be changed from, "The plans shall be reviewed by staff, then the Parks and Recreation Board, who will make recommendations to the Board of Supervisors, who will provide final approval," taking the last part of that sentence, deleting the words, "who will provide" and adding the word "for".

Mr. Crissman made a motion to approve the Letter of Agreement between the Township and Heroes Grove with the noted word change. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Action on bids for bridge maintenance and repairs

Mr. Wolfe noted that the Township received five bids for a publicly advertised project to maintain municipal bridges, specifically the projects consist of bridge maintenance on four Township bridges. He noted that the maintenance will includes approach roadway guide rail repair, concrete repair to beams, deck slab, curb, and substructure and bituminous wearing surface milling and overlay including installation of bridge deck waterproofing membrane. He noted that bridges involved are: Crums Mill Road over Paxton Creek; Goose Valley Road over Tributary to Paxton Creek; Peiffers Lane over Spring Creek; and Red Top Road over a Tributary to Beaver Creek.

Mr. Wolfe noted of the five bids received, the low bid provided to the Township was by Redrock Construction, Inc. in the amount of \$69,745.00. He noted that the bid has been reviewed by the Township Engineer, who prepared the bid specification, and staff and found to be acceptable. He requested the Board to award the contract to Redrock Construction, Inc.

Mr. Seeds questioned who identified those needs. Mr. Wolfe explained that yearly and biennially an inspection is conducted and paid for by Dauphin County. He noted that HRG is under retainer to the County to do that work. He noted from those bridge reports, the identification of work is made and then the specifications are prepared by the Township Engineer who also happens to be HRG. Mr. Seeds questioned if they are the Township's bridges and not Dauphin County. Mr. Wolfe answered that was correct.

Mr. Hawk noted that the PENNDOT Secretary stated that bridge inspections are a major concern for the State.

Mr. Seeds questioned if the Old Jonestown Road Bridge work would be completed this year. Mr. Wolfe answered that the work is for a total bridge replacement and it is scheduled to be completed as the Township works with the intermunicipal process with PENNDOT. He noted that he is waiting for PENNDOT's approval of the advertisement for the consultant for this work. He noted once he gets the approval he will move forward with the process.

Mr. Crissman questioned if the Township has received the performance and payment bonds. Mr. Wolfe answered that it has not. Mr. Crissman made a motion to approve the bid for bridge maintenance and repairs to Redrock Construction, Inc. in the amount of \$69,745.00, and subject to receiving the performance and payment bonds. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Final subdivision plan for Kendale Oaks, Phase IV

Mr. Wolfe noted that Kendale Oaks, Phase IV, is the last phase of the approved Preliminary Subdivision Plan of Kendale Oaks. He noted that Phase IV proposes to develop approximately 31.4993 acres of land into forty-two (42) building lots and three (3) non-buildable lots. He explained that the tract is zoned R-1, Low Density Residential District and will be served by public sewer and public water. Phase IV is located north and west of Conway Road.

Mr. Wolfe noted that the Planning Commission approved the plan and waiver requests at its February 6, 2013 meeting subject to addressing the comments and possibly providing a 20' easement along Lots 150, 151 and 152.

Mr. Wolfe noted that the Preliminary Subdivision Plan for Kendale Oaks (#95-36) was approved with the following waivers: 1) Waiver of the minimum intersection separation

distance; 2) Waiver of the widening, curb, and sidewalk and widening along Nyes Road frontage; 3) Waiver of curb and sidewalk along Conway Road; 4) Waiver of the maximum allowable cul-de-sac length and maximum number of dwelling units served; 5) Waiver of the curbing design standard and allowing slant curb; and 6) Waiver of the street width requirements. (street width to be 30'.)

Mr. Wolfe noted that the applicant has requested the following additional waivers: 1) Waiver of the requirement to provide an interior planting island within the Beaver Spring Road cul-de-sac, and 2) Waiver of the requirement to provide the minimum intersection sight distances for seven proposed driveways that serve Lots 1, 37, 79, 140, 161 and 162 and the west leg of the Kendale Drive/Conway Road intersection. He noted that staff supports both of these additional waivers.

Mr. Wolfe noted that there are two site specific comments, seven general conditions and two staff comments.

Mr. Staub noted that this is the final phase of Kendale Oaks project with 42 single family building lots. He noted that since it is the last stage it will include the reconstruction of Conway Road to remove the sharp curve at the top of the hill. He noted that associated with the realigning and reconstruction the developer is offering for dedication some additional right of way to the Township in the event Conway is relocated through the Compost Facility. He noted that he has received the comments and has no issues with the remaining comments.

Mr. Staub noted during the Planning Commission Meeting, Mr. Newsome had a concern that he wanted to get the developer to provide additional right of way or easement for a greenway along Beaver Creek. He noted that the developer agreed to look into that request but it turns out that the easement that Mr. Newsome requested would not be able to be made. He

explained that the greenway area that he would like to have the easement for, the actual walking path would be in the floodplain, and the easement that he asked for on the three lots, Lots 150, 151 and 152 are at the top of the hill. He noted that the easement would not serve any purpose as the walking paths would not be near the tributary as the path needs to be at the lower level in the floodplain. He noted that these three lots are 70 to 80 feet higher than the creek. He noted that it would not serve any purpose to grant the additional easement along that space where the greenway would be. Mr. Seeds noted that it makes a very good point why it is good to visit the site to see what it looks like and know where property lines are.

Mr. Staub noted if you look at the plan, the open space butts up against the three lots; however, if you look at the contours you can see that there is a steep slope down to the stream.

Mr. Crissman noted that the second waiver request for Lots 1, 37, 79, 140, 161, and 162 is a waiver to provide the minimum sight distances for seven proposed driveways. He requested Mr. Staub to show him on the map where those lots were located and why this request was made. Mr. Staub noted that those lots do not appear on the map that is displayed on the screen, but the reason for the request is when the original preliminary plan was approved, the sight distance criteria for driveways at key intersections was less than the current Subdivision and Land Development Ordinance (SALDO). He noted that the plan was prepared under the old SALDO and now it is being reviewed under the new SALDO so he asked for the waiver. Mr. Hawk noted that it was approved for the SALDO that was in effect at the time it was approved. Mr. Seeds noted that Mr. Staub was not sure if it would be grandfathered in so to be safe he is asking for a waiver. Mr. Staub answered that he had a meeting with Township staff to discuss this and it was decided to err on the side of caution and ask for the waiver. He noted that Township staff has

agreed to support the two additional waivers. Mr. Seeds questioned if the preliminary plan was okay. Mr. Staub answered that was correct.

Mr. Seeds noted that Mr. Staub mentioned granting a right-of-way on Conway Road to the Compost Facility; he requested him to explain that further. Mr. Staub explained that the existing Conway Road joins Hodges Heights Development that borders this development and at one point in time the Township was considering relocating Conway Road away from Hodges Heights to take most of the traffic away from that neighborhood and direct it onto a new street through the Compost Facility. He noted in order to do that, the developer had to provide a triangular piece of land for dedication to the Township to allow that realignment to occur. Mr. Seeds questioned if the developer would lose one lot or dedicate it to the Township. Mr. Staub explained during Phase V approval of this project, in order to offer the additional land, he lost a building lot in that phase in 2006 or 2007.

Mr. Seeds noted that the final plan meets the preliminary plan except for additional waivers that you are asking for. Mr. Staub answered that was correct.

Mr. Crissman questioned if Mr. Staub was able to speak on behalf of the applicant. Mr. Staub answered that he was able to act as the agent for the plan.

Mr. Crissman noted that Mr. Staub is in agreement with the requested waivers.

Mr. Crissman questioned if Mr. Staub has or will be able to meet the site specific conditions. Mr. Staub answered yes.

Mr. Crissman questioned if Mr. Staub was able to complete or meet the conditions for the seven general conditions, specifically number seven, which addresses HRG's memorandum dated March 5, 2013 listing four comments. Mr. Staub answered yes.

Mr. Crissman questioned if Mr. Staub would be able to meet the conditions for the two staff comments. Mr. Staub answered yes.

Mr. Crissman made a motion to approve the Final Subdivision Plan for Kendale Oaks, Phase IV with the following waivers and conditions: 1) Waiver of the minimum intersection separation distance; 2) Waiver of the widening, curb, and sidewalk and widening along Nyes Road frontage; 3) Waiver of curb and sidewalk along Conway Road; 4) Waiver of the maximum allowable cul-de-sac length and maximum number of dwelling units served; 5) Waiver of the curbing design standard and allowing slant curb; 6) Waiver of the street width requirements. (street width to be 30'.); 7) Waiver of the requirement to provide an interior planting island within the Beaver Spring Road cul-de-sac, 8) Waiver of the requirement to provide the minimum intersection sight distances for seven proposed driveways that serve Lots 1, 37, 79, 140, 161 and 162 and the west leg of the Kendale Drive/Conway Road intersection; 9) All conditions of the preliminary plan shall be complied with; 10) Provide a signed Operations and Maintenance Agreement prior to recording the plan; 11) Plan approval shall be subject to Dauphin County Conservation District's review and approval of the Erosion and Sedimentation Control Plan; 12) Plan approval shall be subject to original seals and signatures on the plan; 13) Plan approval shall be subject to payment of engineering review fees; 14) Plan approval shall be subject to the establishment of an improvement guarantee for proposed site improvements; 15) Plan approval shall be subject to review and approval of sanitary sewer construction drawings by Lower Paxton Township Authority; 16) Plan approval shall be subject to the payment of fee-in-lieu for forty-two (42) lots at nine hundred eighty-nine dollars (\$989) per lot for a total of forty-one thousand five hundred thirty-eight dollars (\$41,538); 17) Plan approval shall be subject to addressing the comments of HRG's memorandum dated March 5, 2013; 18) A street/storm sewer construction

permit is required and is to be obtained prior to earthmoving activities. A pre-construction meeting is to be held prior to starting the project. Contact Matt Miller at 657-5615 to schedule the meeting. This may be held in conjunction with the Conservation District meeting; and 19) All signage must meet the requirements of the Lower Paxton Township Zoning Ordinance. Mr. Blain seconded the motion. Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Improvement Guarantee

Mr. Hawk noted that there were six improvement guarantees.

Amber Field, Phase V

A new escrow with Lower Paxton Township, in the amount of \$8,000.00, with an expiration date of March 19, 2014.

2521 Patton Road

A change in ownership from Triple Crown to Classic Communities Corporation and financial institution to Metro Bank, in the amount of \$78,050.50 with an expiration date of March 19, 2014.

Mindy Meadows, Phase I

An extension and 10% increase in a letter of credit with Fulton Bank, in the amount of \$13,773.19, with an expiration date of March 19, 2014.

Chelsey Falls, Phase I

An extension and 10% increase in a bond with Lexon Insurance Company, in the amount of \$144,866.04, with an expiration date of March 19, 2014.

Huntleigh, Phase I

An extension and 10% increase in a letter of credit with Fulton Bank, in the amount of \$108,950.33, with an expiration date of March 19, 2014.

Hearthside East

An extension and 10% increase in an escrow with Lower Paxton Township, in the amount of \$13,310.00, with an expiration date of March 19, 2014.

Mr. Crissman made a motion to approve the six improvement guarantee. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Payment of Bills

Mr. Seeds made a motion to pay the bills of Lower Paxton Township and Lower Paxton Township Authority. Mr. Crissman seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Adjournment

There being no further business, Mr. Crissman made a motion to adjourn the meeting. Mr. Blain seconded the motion, and the meeting adjourned at 8 p.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

Gary A. Crissman
Township Secretary